

General Certificate of Education
January 2006
Advanced Level Examination



LAW

**Unit 4 Criminal Law (Offences against the Person)
or Contract Law**

LAW4

Thursday 19 January 2006 9.00 am to 10.15 am

For this paper you must have:

- a 12-page answer book

Time allowed: 1 hour 15 minutes

Instructions

- Use blue or black ink or ball-point pen.
- Write the information required on the front of your answer book. The *Examining Body* for this paper is AQA. The *Paper Reference* is LAW4.
- Answer **one** question from two on the theme you have studied for this unit.
- Do all rough work in the answer book. Cross through any work you do not want marked.
- Give reasoned answers. Where appropriate, make reference to authority.

Information

- The maximum mark for this paper is 85.
10 of these marks will be awarded for the Quality of Written Communication.
- The marks for questions are shown in brackets.
- You are reminded of the need for good English and clear presentation in your answers. All questions should be answered in continuous prose. Quality of Written Communication will be assessed in all answers.

Answer **one** question from two on the theme you have studied for this unit.

Give reasoned answers. Where appropriate, make reference to authority.

Read the scenario and answer **all** parts of the question which follows.

Criminal Law (Offences against the Person)

1

Total for this question: 75 marks

Andy, who was 15 years old, was swimming in the local swimming pool when he accidentally bumped into Brent, who was 17 years old. Brent was very angry, and Andy and his friend, Chris, decided to leave the pool to avoid further trouble. Whilst Andy was in the shower, he heard Brent call out, "You are dead meat when you come out of the shower." Andy immediately ran back out to the swimming pool, where he slipped on the wet surface and suffered a deep cut to his head when he fell. When Chris heard what Brent said, he head-butted him, breaking Brent's nose and knocking out three of Brent's front teeth.

Debra and Eva, friends who were both aged 14, had been jumping onto each other in the swimming pool. Debra dived onto Eva in the deep end whilst Eva was swimming underwater. Eva was knocked unconscious and sank to the bottom. Debra was very dazed and did not know what was happening. Shortly afterwards, another young swimmer tried to tell George, a lifeguard, that he thought someone might be drowning. George was talking to a friend and, at first, did not take the warning seriously. When he finally investigated and pulled Eva out of the pool, she was dead.

- (a) Discuss the criminal liability of Brent for the injury to Andy, and the criminal liability of Chris for the injuries to Brent. (25 marks)
- (b) Discuss the criminal liability of Debra **and** of George for the involuntary manslaughter of Eva. (25 marks)
- (c) Choose **one** of the following:

Discuss the criticisms which may be made of the law on murder (including voluntary manslaughter). (25 marks)

OR

Discuss the criticisms which may be made of the law on involuntary manslaughter. (25 marks)

OR

Discuss the criticisms which may be made of the law on the non-fatal offences against the person. (25 marks)

Finding it hard to come to terms with the fact that his son had recently been killed in an accident at work, Harry began to drink heavily. He developed a belief that he was being constantly followed. One day, whilst drinking in a bar, he became convinced that he was being watched by Ian, another customer. He suddenly faced Ian and shouted very loudly at him. Ian was so startled that he fell off his stool and hit his head on the iron base of a table, breaking his skull. In falling backwards, he involuntarily threw beer into Jackie's face. Jackie suffered an allergic reaction to the beer which caused her eyes to be affected for some time afterwards.

An inquest held into the death of Harry's son cleared Karl, his employer, of all blame. Harry was furious about this outcome, and was now sure that Karl was at the centre of a plot to ruin Harry and his family. Harry hid outside Karl's house, waited for him to return and then stood in front of the gates to the drive. Recognising Harry, Karl got out of his car and made insulting remarks about both Harry and his son. Harry then rushed past Karl, jumped into the car and drove it at Karl, braking too late to prevent the car from crushing Karl against the gates and killing him.

- (a) Discuss the criminal liability of Harry for the injuries suffered by Ian and by Jackie. (25 marks)
- (b) Discuss the criminal liability of Harry for the murder of Karl. (25 marks)
- (c) Choose **one** of the following:

Discuss the criticisms which may be made of the law on murder (including voluntary manslaughter). (25 marks)

OR

Discuss the criticisms which may be made of the law on involuntary manslaughter. (25 marks)

OR

Discuss the criticisms which may be made of the law on the non-fatal offences against the person. (25 marks)

Turn over for the next question

Contract Law
3**Total for this question: 75 marks**

Paul was a talented artist with little business knowledge. He asked his brother, Richard, to assist him to promote his work for one year. Richard agreed to do so in return for a commission of 15% on all sales of Paul's work during that year. After eight very successful months, Richard told Paul that he wanted 20% commission for the remaining four months. Though he agreed, Paul never paid any extra commission and, at the end of the year, refused to do so.

Sue asked Paul to create a large banner which could be the centrepiece of a forthcoming protest march on the theme of 'exploitation of animals through the ages'. She agreed to pay him £2000 in total, £200 immediately and the remainder on completion and delivery of the banner. One month before delivery was due, Sue 'cancelled' the agreement because of financial difficulties and told Paul that she would not pay for the banner. By that time, the banner was almost finished and Paul had spent £400 on materials. He refused to accept the 'cancellation' and continued to work on the banner. A week before delivery was due, an order was made prohibiting all marches in the locality for one month because of fears that the protest march would provoke violence and disorder. In consequence, the protest march had to be abandoned.

- (a) Having regard to the relevant elements in the formation of contract, consider whether Richard has any rights and remedies against Paul in connection with the unpaid extra commission. *(25 marks)*
- (b) Having regard to the rules on breach and frustration in contracts, consider the rights, duties and remedies of Paul and of Sue. *(25 marks)*
- (c) **EITHER**

Consider how satisfactory the rules are in **one** element in the formation of contracts (offer and acceptance **or** consideration **or** intention to create legal relations). *(25 marks)*

OR

Consider how satisfactory the rules are in any **one** method of termination of contracts (breach **or** frustration **or** performance **or** agreement). *(25 marks)*

In four weeks' time, Laura was to enrol on a course attended by a small number of students, and for which she required specialised equipment. Mobleys, experienced suppliers of the equipment, placed advertisements in national newspapers reminding students of the need for the equipment and 'offering' it at £200. Laura wrote to Mobleys requesting that they send the equipment to her, and enclosing a cheque for £200. A week after the course began, she had still heard nothing from Mobleys and she managed to buy the equipment from another supplier. When she contacted Mobleys to ask for the return of her money, they said that staff illness had caused delays but that they were now packing the equipment for immediate dispatch.

Laura decided that she needed to lose some weight, so she paid £100 to Nell for ten 'weight loss' sessions. Nell's promotional material proclaimed her to be very experienced in running such sessions. It quoted a number of former participants as having been astonished and delighted by their weight losses. In fact, Nell was very much a beginner and she had made up the favourable quotes. After three sessions, Laura was very dissatisfied with Nell's disorganised approach and unhelpful advice, and she decided that she wanted all of her money back.

- (a) Having regard to the relevant rules on making agreements in contract, consider the rights, duties and remedies of Laura and of Mobleys. *(25 marks)*
- (b) Having regard to the rules on misrepresentation and breach, consider the rights, duties and remedies of Laura and of Nell. *(25 marks)*
- (c) **EITHER**

Consider how satisfactory the rules are in **one** element in the formation of contracts (offer and acceptance **or** consideration **or** intention to create legal relations). *(25 marks)*

OR

Consider how satisfactory the rules are in **either** mistake **or** misrepresentation in contracts. *(25 marks)*

END OF QUESTIONS

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